

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. GERALD FINKEL, as Chairman of the
Joint Industry Board of the Electrical Industry,

Plaintiff,

- against -

POMALEE ELECTRIC CO., INC. and
FRANK DEPAOLA,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**
16-4200 (DRH) (AKT)

Presently before the Court is the Report and Recommendation of Magistrate Judge A. Kathleen Tomlinson, dated February 22, 2018, recommending that the petition to confirm the \$406,756.97 arbitration award dated October 10, 2015 be granted, and that judgment in the amount of \$406,756.97, together with prejudgment interest at the rate of 3% compounded annually on \$336,147.19 from the date of the award to the entry of judgment, be entered against the defendants jointly and severally. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the February 22, 2018 Report and Recommendation of Judge Tomlinson as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that the petition to confirm the October 15, 2015 arbitration award is granted and the Clerk of Court is directed to enter judgment against defendants, jointly and severally, in the amount of \$406,756.97, together with prejudgment

interest at the rate of 3% compounded annually on \$336,147.19 from the date of the award to the entry of judgment. Post judgment interest shall accrue pursuant to 28 U.S.C. § 1961.

Dated: Central Islip, New York
March 14, 2018

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge